

REMARKS

The office action of March 29, 2007, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 3, 4 and 6-10 are rejected under 35 U.S.C. 102(e) over the patent to Antreich.

Claim 2 is rejected under 35 U.S.C. 103(a) over Antreich.

Claim 5 is rejected under 35 U.S.C. 103(a) over Antreich in view of France-Design.

Claims 12-13 are rejected under 35 U.S.C. 103(a) over Antreich in view of the patent to Weissrich et al.

Finally, it is noted that claim 11 would be allowable if

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rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, second paragraph.

In connection with the Examiner's objection to the drawings, applicant has canceled claim 13 and amended claim 10. With these changes it is submitted that all of the features recited in the claims are shown in the drawings.

In view of these considerations it is respectfully submitted that the objection to the drawings under 37 C.F.R. 1.83(a) is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claims 2 and 13, and amended claims 1, 9, 10 and 12.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 10-13 under 35 U.S.C. 112, second

paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references. The present invention recites a structure in which the roof parts are first arranged one over the other and only then lowered in the nested state into the automobile body.

Turning now to the references and particularly to the patent application of Antreich, it can be seen that this reference discloses a construction in which the interleaving of the roof parts is integral with the opening and lowering under the rear-most roof part (See Figs. 3 and 4). With such a construction it is not possible to achieve a sliding roof function as is possible with the presently claimed invention. In the present invention the overlapping of the roof parts before lowering allows the roof to be partially opened, and when fully opened only requires a limited opening of the rear-most roof part, whereas the construction of Antreich requires a very wide pivoting of the rear-most roof part.

Furthermore, Antreich has a reference date of March 6, 2003, whereas the present application has a priority date of October 17,

2002. Thus, it is submitted that Antreich is not prior art to the present application.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 3, 4 and 6-10 under 35 U.S.C. 102(e) over the above-discussed reference is overcome and should be withdrawn.

The patent to Rothe discloses essentially the same as FR 2 693 956 discussed in the specification of the present application as being prior art.

The Examiner combined Rothe with Antreich in determining that claim 2 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a convertible construction in which the roof section arranged at the front with respect to the direction of travel has at least two roof parts arranged one behind the other in the closed position of the roof, which can be opened by moving one at least partially over the other and can be lowered in this nested state into the automobile body, wherein the roof parts of the front roof section can be lowered into the automobile body in a nearly vertical position so as to be below the beltline of the

automobile body, as in the present invention.

In view of these considerations it is respectfully submitted that the rejection of claim 2 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The remaining references have also been considered. It is submitted that these references add nothing to Antreich so as to suggest or teach the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejections of claims 5, 12 and 13 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.



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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 1, 2007.

By:

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Date: October 1, 2007